# **CONFIDENTIAL**

# OFFICE FOR THE PREVENTION OF HARASSMENT AND DISCRIMINATION FORMAL INVESTIGATION REPORT

| Complainant(s):  |   |  |   |  |
|--|---|--|---|--|
| Respondent:  | Dr. Blake Wentworth 2014-2015 February 7, 2015 Andrea LaCampagne, Complaint Resolution Officer, OPHD October 2, 2015 Violation of the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence (2/25/14 version) |  |   |  |
| Date of Incident(s):   |   |  |   |  |
| Reported to OPHD:  |   |  |   |  |
| Investigator:  |   |  |   |  |
| Date of Report:  |   |  |   |  |
| Finding:   |   |  |   |  |
| I. Background  | and Allegatio   | ns   |   |  |
| The Complain different issues under against the Responde report. | r the UC Policy   |  | These Complainants brought forth t and Sexual Violence ("the Policy") implainants 1 and 2 throughout this                             |  |
| Compla   | inant   | Identity   | Status  |  |
| Complainan   | THE RESERVE AND DESCRIPTION OF THE PERSON NAMED IN  | To the state of th |   |  |
| Complainan   |   |  |   |  |
| South East Asian Stu   | dies ("DSSEA<br>reporte<br>comments/inn   | S.") Over 20<br>ed to uendo, and/or physical of  | member of the Department of South<br>014 and 2015,<br>that the<br>contact was unwelcome and made<br>issue to OPHD on February 7, 2015 |  |
|  |   |  | After Complainant 1's   |  |
| complaint was receiv   | ed by OPHD  | OPHD then presented a  | sexual harassment prevention  |  |
| training training  | da by or mb,  |  | On April 2015, a follow-up  |  |
| session was held   | who h   |  | 2. After the trainings, other   |  |
|  |   |  | ne Respondent's behavior, including   |  |
| Of the total   |   |  | PHD trainings, only those   |  |

Sexual Harassment and Sexual Violence will be analyzed in this report. This report will focus on the potential sexual harassment issues of the two Complainants as these are under OPHD's jurisdiction and subject matter expertise.

jurisdiction and subject matter expertise.

# II. Interim Remedies



D. Complainant 2 requested that the Respondent not enter into unless he had official business there. The Respondent agreed not to enter throughout the investigation period.

#### III. Jurisdiction

The Office for the Prevention of Harassment and Discrimination (OPHD) has campuswide responsibility for stopping, preventing and remedying sexual harassment and sexual violence. The OPHD responds to and investigates potential violations of the UC Policy on Sexual Harassment and Sexual Violence, including, reports of sexual harassment, sexual violence, domestic violence, dating violence, stalking, and sexual assault brought forward by students, staff, and faculty.

# IV. Applicable Policy

The conduct complained of occurred in 2014 and 2015, therefore, the applicable policy for this investigation is the University of California Policy on Sexual Harassment and Sexual Violence, effective February 25, 2014 (hereinafter, "the Policy.")

The Policy states: "Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive."

"Sexual Harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students... Sexual harassment may occur in hierarchical relationships between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and the totality of the circumstances, including the context in which the conduct occurred."

## V. Summary of Findings

Based upon a preponderance of the evidence, the Respondent violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence due to his behavior with Complainant 2. A detailed discussion of this finding is included in the Fact Finding and Analysis section of this report.

<sup>&</sup>lt;sup>1</sup> The new Interim Policy on Sexual Harassment and Sexual Violence is in effect as of June 17, 2015 through December 31, 2015.

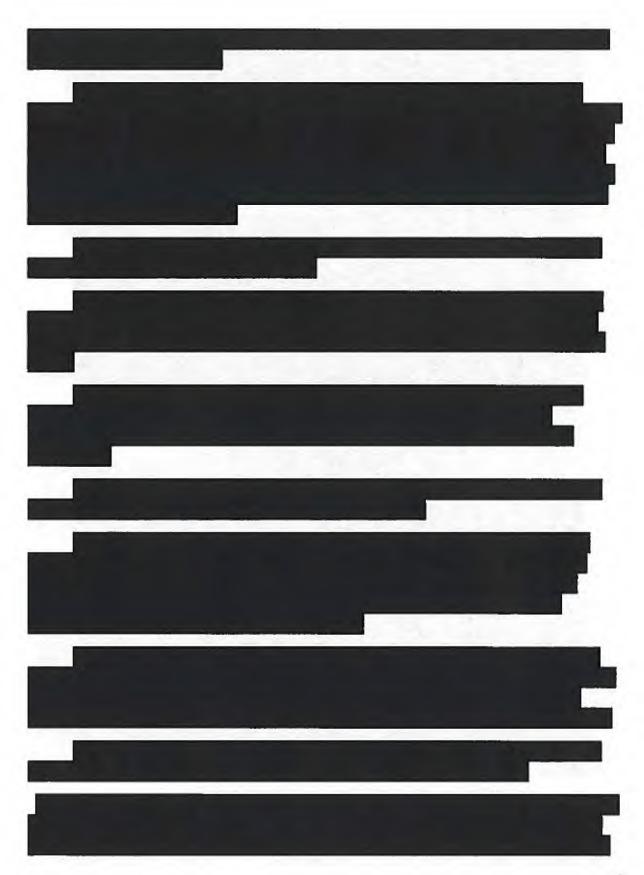
# VI. Investigation of Sexual Harassment Complaints

# A. Complainant 1 Issues: Summary and Response

1. Complainant 1



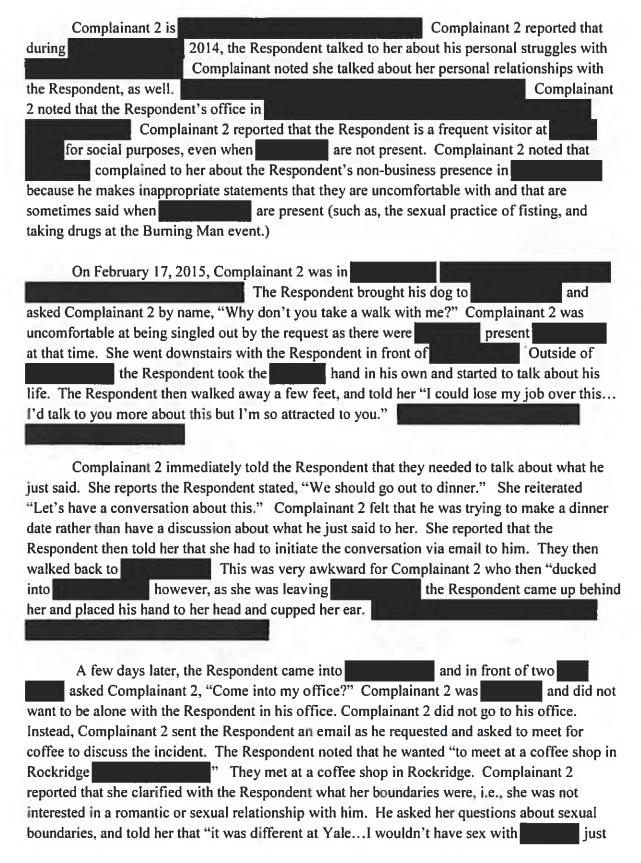






B. Complainant 2 Issues: Summary and Response

1. Complainant 2



| Yale to mean that were more a Berkeley. They stayed at the coffee shop and talked about hinted gently that he could be "helpful with "."   | commonplace at Yale than at  |
|--|--|
| Complainant 2 reported that at that time she was this interaction with the Respondent. Complainant 2 is and avoids him," which is difficult to do because he comes   | after around [the Respondent] into often   |
| in 2015 <sup>3</sup> to  | nant 2 came forward after  |
| about her interaction with the Respondent on Febru not to report the issue to OPHD or anyone else becathe incident. reached out to OPHD after the A Harassment Prevention training was completed. had discussed the February 17th interaction with him after | ause she was too embarrassed about   |
|  | wrote a "written e letter, wrote, "Concerns rns about conduct that is subject to bout aspects of academic performance ter is the Faculty Code of Conduct OPHD. wrote that he has wrote that he already spoke with the ince of observing appropriate noted that he "observed you noted that "In our most sching positioning yourself in I have also |
|  |  |

# 2. Respondent's Statement and Response to Complainant 2

| I interviewed the Respondent on June 6, 2015. The Respondent reported that on November 29, 2014, he had a conversation with multiple complaints against him, and complained of harassment. talked to the Respondent about keeping stronger personal boundaries   |
|--|
| The Respondent stated that he asked Complainant 2 in , "Can I speak to you outside?" They walked outside. He did not touch her hand, and stated, "at most I patted her shoulder." They had an abstract conversation about whether marriage as a social construct was workable. Then Complainant 2 started to talk about "intimate details of her personal life." The Respondent told Complainant 2, "I can't talk to you about this because you're an attractive woman."   |
| The Respondent stated that he and Complainant 2 often discussed personal matters with each other. He stated she wanted to meet with him to talk, and he told her, "If you want to meet with me you would have to initiate." He said he told her she'd have to initiate the meeting because of his previous talk with who had told him about having stronger personal boundaries  |
| The Respondent denied there was any quid pro quo conversation. He stated that he thought "doesn't do much and he simply told her, "If you need help, I can help."  |
| The Respondent expressed that he has had a tumultuous year.  He stated that since spoke with him in 2014 and in April of 2015, he goes to his office, deals with only his leaves. He is staying out of and will now only take  |
| VII. Witness Information   |
| The Respondent provided me with the names of three were women) that could speak to the relationship he had with them. None of the witnesses were direct witnesses to the Complainants' concerns, nor were they indirect witnesses, i.e., people he discussed the allegations with close in time, etc. I declined to interview them because they were not relevant to the investigation. Just because other people may state that the Respondent never engaged in any behavior that could be construed as inappropriate, unprofessional or of a sexual nature, does not tend to show whether or not the particular allegations with the two Complainants are true or not. |
| Complainants expressed that other would likely be willing to talk to me.  However, rather than breach the privacy of the parties, I spoke only to who came   |

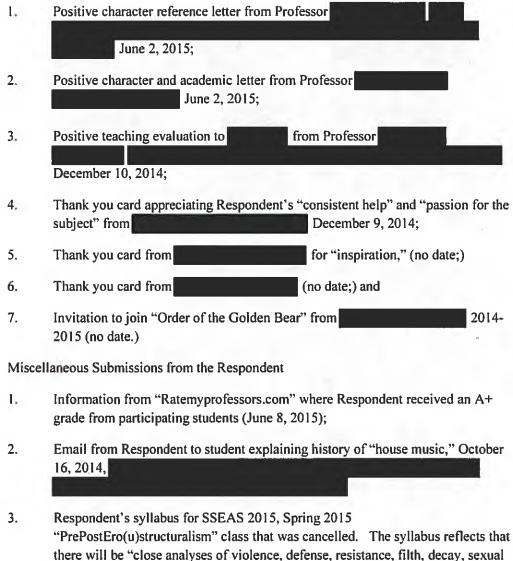
forward after the OPHD training. confirmed that Complainant 2 spoke with her after the incident with the Respondent. This indirect witness reported that Complainant 2 told her that the Respondent held her hand outside of expressed a romantic interest in her, and expressed an interest in





VIX. Documentary Evidence Reviewed

A. Positive Character and Academic Reference Letters/Notes for the Respondent



obsession, excess, and manifestations of numinous Sacred can kindle bright flames"

#### X. Factual Findings and Analysis

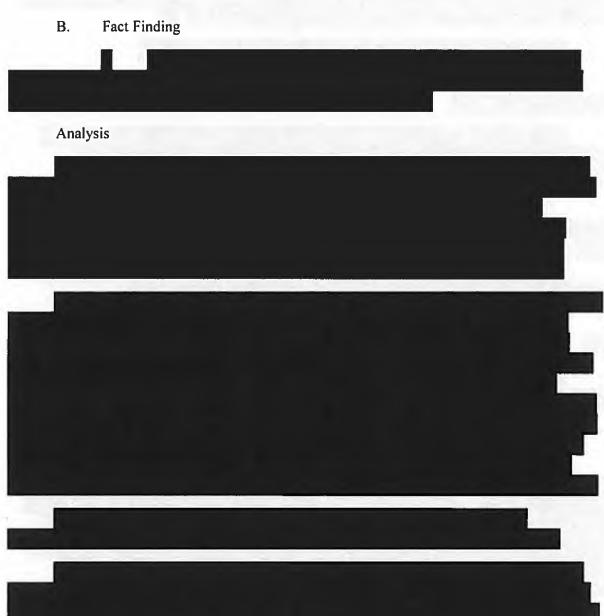
4.

B.

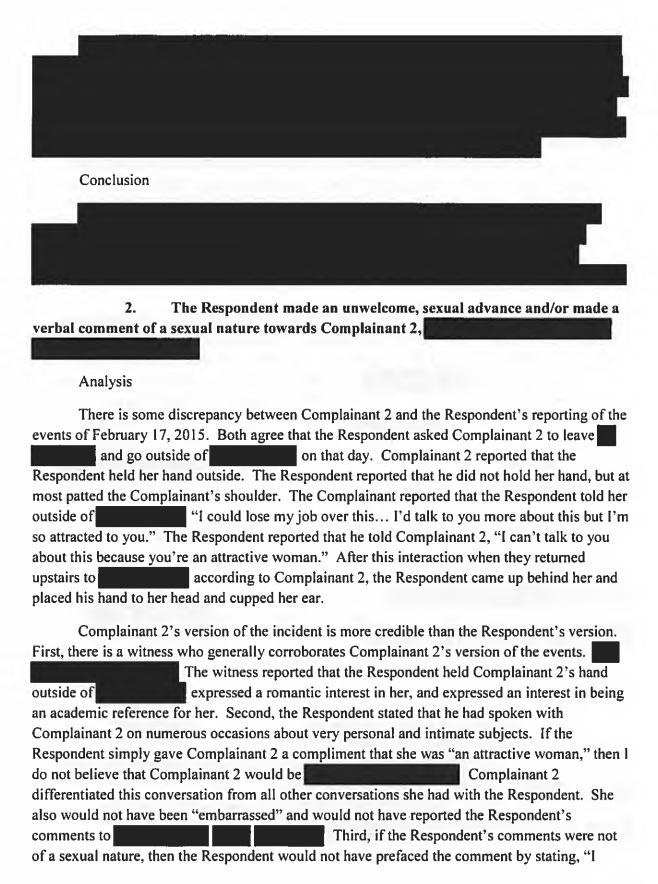
Standard of Evidence: Preponderance of the Evidence A.

Findings in this investigation report are based on a "preponderance of the evidence" standard. In other words, after reviewing all the evidence, including the relative credibility of the parties and their statements during interviews, whether it is more likely (or probable) than not

that the conduct occurred. If the conduct did occur as alleged, then an analysis is completed to determine whether the conduct violated University policy. Please note: the report's findings do not reach conclusions whether conduct violated state or federal laws, but instead address whether the University's policies were violated.







| she had to initiate contact with a were truly innocuous and not set the comments he just made. The better boundaries contact with him via email to di 2 to initiate an email invitation. Respondent's comment, or if he likely that the Respondent was responding to a invita Finally, Complainant 2 told the  | Fourth, the Respondent's reasoning for telling Complainant 2 that him to discuss his comments, does not make sense if the comment exual in nature. Complainant 2 insisted that they had to talk about the Respondent recalled that admonished him to keep.  The Respondent told Complainant 2 that she had to initiate iscuss the matter. This twisted procedure requiring Complainant would be unnecessary if there was no sexual innuendo to the effet he did not cross a boundary with Complainant 2. It is more trying to create a documentation trail to reflect that he was simply tion for coffee, if the ever brought a complaint forward. Respondent over coffee that she was not interested in a sexual or The Respondent did not correct her that she misinterpreted his |
|--|---|
| words or intentions at this time.  | •   |
| In summary, a more cree Complainant 2 is that the Responsibility of the Complainant 2 out ther, and hoped that she would proceed to the Complainant 2 returned inside and placing his hand to her head there was no the cree creed in the creed that the creed in the creed that the creed in the creed that the creed in the | dible interpretation of the incident between the Respondent and ondent made an unwelcome, sexual advance to Complainant 2 by er this I'd talk to you more but I'm so attracted to you." He to engage with her alone outside, he made a pass at positively respond. Moreover, after the Respondent and the Respondent came up behind Complainant 2 d and cupped her ear. This was an intimate physical touch, and er for this physical touch extracted to you."  |
| definition of sexual harassment advancesand other verbal <i>cor</i> matter formally because she wa   | nent to Complainant 2 meets the first two requirements of the The Respondent comment is an "unwelcome, sexual nduct of a sexual nature." Complainant 2 revealed the incident to She did not come forward at that time to report the stoo embarrassed and because of the The Complainant's reaction reflects that the welcome to Complainant 2, as she rejected a sexual or romantic y met for coffee.   |
| Complainant 2 described noted that she was the Respondent's come into his office; that the Respondent's behavior   | she tried to avoid because she refused to meet with him when he asked her to  The impact on Complainant 2 reflects  |

Therefore, the evidence reflects that by a preponderance of the evidence, the Respondent made an unwelcome, sexual advance (or alternatively a verbal comment), sufficiently severe to constitute behavior of a "sexual nature," that affected and interfered with Complainant 2's and thereby violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence.

## XI. Conclusion

By a preponderance of the evidence, the Respondent violated the sexual harassment provision of the UC Policy on Sexual Harassment and Sexual Violence.

Therefore, this formal investigation report is being referred to the Vice Provost for the Faculty for review.